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United States Department of the Interior

MINERALS MANAGEMENT SERVICE
Washington, DC 20240



Ms. Marie Burns
Acting Chief, Planning Division
Department of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

MAR 07 2008

Dear Ms. Burns:

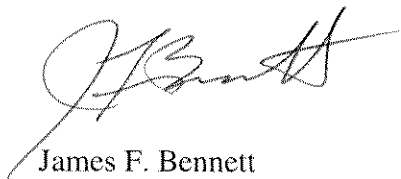
Thank you for your December 11, 2007, letter inviting the Minerals Management Service (MMS) to become a cooperating agency during the required National Environment Act (NEPA) process for the Martin County Beach Erosion Control Project. The sources of material being assessed for the project include three potential borrow areas which lie primarily on the Federal OCS and, therefore, under the leasing jurisdiction of the MMS. The MMS welcomes the opportunity to participate in the NEPA effort and agrees to serve as a cooperating agency. As a cooperating agency we expect to: participate in the NEPA process at the earliest possible time; participate in the scoping process; assume, on the request of USACE, responsibility for developing information and preparing environmental analyses for which MMS has special expertise; make available staff support at the lead agency's request to enhance the interdisciplinary capability of the USACE; and use our own funds to accomplish these responsibilities.

The MMS also agrees to participate in: the required Endangered Species Act (ESA) Section 7 consultation; the Magnuson-Stevens Fishery and Conservation Management Act Essential Fish Habitat consultation (Section 305); the National Historic Preservation Act (NHPA) Section 106 process; and the Coastal Zone Management Act Section 307 consistency determination. As the lead Federal agency for ESA Section 7 and the Essential Fish Habitat consultations, the U.S. Army Corps of Engineers (USACE) must notify U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) of its lead role and MMS' cooperating role. We would expect to jointly submit with the USACE the ESA Section 7 and Essential Fish Habitat assessments to FWS and NMFS. The USACE would act as the lead Federal agency for Section 106 Compliance in accordance with 36 CFR Part 800.2(2). The MMS would act as a cooperating agency for Section 106 Compliance with the understanding that the USACE will consult with the MMS throughout the process.

It is MMS policy to negotiate a new agreement for each use of OCS material (or per nourishment event); therefore, this agreement only applies to the NEPA and environmental requirements for initial construction. The final NEPA document, as well as the outcome of the other environmental requirements, may be used to establish stipulations or conditions in the final negotiated agreement.

The MMS looks forward to working with you during this process. We ask that the following staff be included on all communication regarding this project: Ms. Colleen Finnegan, Leasing Division, (703) 787-1275; and Dr. Melanie Stright, Branch of Environmental Assessment, Environmental Division, (703) 787-1736. If you would like to discuss any of these items further, please contact Dr. Stright at (703) 787-1736.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Bennett', with a long horizontal flourish extending to the right.

James F. Bennett
Chief, Branch of Environmental Assessment
Environmental Division